

1978. Eastman Dillon's petition requesting that the Commission grant a waiver of refunds of Kansas ad valorem tax reimbursement. Eastman Dillon's petition is on file with the Commission and is open to public inspection.

The Commission, by order issued September 10, 1997, in Docket No. RP97-369-000 *et al.*,¹ on remand from the D.C. Circuit Court of Appeals,² directed First Sellers to make Kansas ad valorem tax refunds, with interest, to the appropriate pipelines, for the period from 1983 to 1988. Alternatively, if it is not relieved from making the subject refunds, Eastman Dillon requests that the Commission permit it to amortize its refund obligation over a 5-year period. In its January 28, 1998 Order Clarifying Procedures [82 FERC ¶ 61,059 (1998)], the Commission stated that producers (i.e., First Sellers) could file dispute resolution requests with the Commission, asking the Commission to resolve the dispute with the pipeline over the amount of Kansas ad valorem tax refunds owed. Additionally, the Commission indicated that it would grant extension of the refund due date for royalty refunds if a producer requests such an extension. Also the Commission's January 28 order states that it would consider adjustment requests as to the refund amounts and the refund procedures.

Eastman Dillon specifically requests a waiver of the refund liability under the Commission's orders based on: (1) its inability to recover amounts previously disbursed to its partners under Delaware partnership law; and (2) its inability to recover payments previously made to royalty owners under the Kansas royalty law. If, however, payments previously made to royalty owners under the Kansas royalty law. If, however, the Commission is not willing to grant such a total waiver of refund liability, Eastman Dillon requests a waiver of refunds at least as to amounts attributable to prior limited partners who no longer are partners in Eastman Dillon (including some who are deceased), and as to royalty amounts. Furthermore, Eastman Dillon requests that the Commission permit it to spread refund as to the remaining amounts due, after the limited waiver, over a five year period commencing as of the date of action on this Petition.

Any person desiring to be heard or to make any protest with reference to any of these petitions should on or before 15

days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96-152-012]

Kansas Pipeline Company; Notice of Compliance Filing

August 11, 1998.

Take notice that on August 7, 1998, Kansas Pipeline Company (KPC), tendered for filing as part of its FERC Gas Tariff, Volume No. 1, the following tariff sheets to become effective May 11, 1998:

Original Volume No. 1

Substitute Original Sheet No. 2
Substitute Original Sheet No. 600

KPC states that the tariff sheets reflect compliance with the Commission's April 30, 1998 Order on Rehearing, which directed KPC to sign new service agreements with its customers. The Order further directed KPC to file contracts only in circumstances where the contracts are materially different from the Company's tariff.

KPC states that the tariff sheets reflect the Commission's Regulations which state that any service contract that deviates in any material respect from the form of service agreement in the pipeline's tariff must be filed with the Commission and such non-conforming service agreement must be referenced in the pipeline's tariff. This filing includes a series of contracts between KPC and its predecessors and Kansas Gas Service Company (KGS) and its predecessors, and a settlement agreement with the Kansas Corporation Commission and

KGS that, in the aggregate, constitute KPC's non-conforming service agreement with KGS.

Any person desiring to be heard or to make any protest with reference to said filing should on or before August 25, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the authorization requested is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for KPC to appear or be represented at the hearing.

David P. Boergers,
Secretary.

[FR Doc. 98-21970 Filed 8-14-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-709-000]

Kern River Gas Transmission Co.; Request Under Blanket Authorization

August 12, 1998.

Take notice that on August 5, 1998, Kern River Gas Transmission Company (Kern River), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket

¹ See: 80 FERC ¶ 61,264 (1997); rehearing denied January 28, 1998, 82 FERC ¶ 61,058 (1998).

² *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997).